

**REMARKS**

This is in response to the Office Action mailed March 28, 2007. By this Amendment, claims 1 and 6 have been amended. Thus, claims 1, 3-10, and 12-14 remain in the application for further examination. Claims 1 and 6 are in independent form.

As previously discussed, the present invention is a departure, *i.e.*, a significant improvement over, the Gebka U.S. Patent No. 5,394,632 which is referred to in the present application as the principal prior art. In the present invention, a single arcuate mounting leg is integral with the rear face of the labeling panel. The mounting leg has a resilient arcuate portion, one end of which is secured to the rear face of the labeling panel, which extends upwardly in a direction toward the upper edge and rearwardly away from the rear face, and then extends arcuately downwardly and angled inwardly in a direction toward the rear face. The tip terminates in spaced relation to the rear face of the labeling panel. The label holder fits into a C-channel that includes upper and lower lips. The upper edge portion of the labeling panel is relatively rigid and the mounting leg is flexible to serve as a spring to exert pressure longitudinally, *i.e.*, in a direction along the cross-sectional length of the channel to hold it snug and difficult to remove. Insertion of the terminal tip occurs first and it is then pressed downwardly to give it spring tension until the rigid top portion can be inserted into the upper lip of the C-channel. This spring tension occurs because the distance between the label holder upper edge portion 34a and the terminal tip 54a is greater than the distance between the pockets of the C-channel requiring the arcuate leg 50 to deform in a direction substantially parallel to, or in alignment with, the back panel surface 32a and parallel to the C-channel. The effective length between the top edge portion and the terminal tip is adjustable to accommodate different lengths between the upper

and lower lips of the C-channel. This adjustability occurs by the terminal tip adjusting in a direction substantially aligned with the rear face of the labeling panel caused by movement of the terminal tip and arcing of the arcuate portion in upward and downward directions substantially aligned with the plane of the rear face. Thus, there is a force exerted between the mounting leg of the label holder against the C-channel where the force vector extends substantially aligned with, or parallel to, the rear face of the label holder.

In the Office Action, the Examiner rejected the claims as unpatentable over the Gebka et al. U.S. Patent No. 5,394,632 in view of Ireland U.S. Patent No. 6,226,910 and Harnois et al. U.S. Patent No. 5,419,066. The distinctions between the present invention and the Gebka patent are acknowledged in paragraph 2 of the Office Action. Gebka does not disclose a structure to enable the tip movement as now claimed. The Examiner's citation of Ireland and Harnois, even if combined with Gebka, would not result in the present invention.

In Ireland, the hooks 19 and 20 are intended to be made of flexible material and include flexible projections 22 and 24 to flex and be engaged by the hooks 15 and 14 of the channel. The hooks and projections flex in directions that appear to be substantially perpendicular to the rear wall of the bracket so that as the bracket is pressed against the shelf channel, the bracket hooks will flex to permit entry and become fully engaged by the hooks of the channel. That is, the unit is attached by pushing it perpendicularly against the channel of the shelf after the top hook is inserted first. Flexure occurs solely to enable the projections to snap into the C-channel. Because of the flexibility of the top and bottom bracket hook arrangement, it is easy to remove the display piece by simply pulling it out away from the shelf. There is nothing in Ireland to suggest that a tensile or elongated

force aligned or parallel with the back wall would exist. There is nothing to suggest that the hooks flex longitudinally, *i.e.*, in upward and downward directions such that a force vector is substantially parallel with the back panel.

The Harnois patent is also distinguishable. First, in Harnois, the lips 55, 57 that extend from the rear of the body 11 do not appear to flex or bend. Instead, bending occurs at the face of the flat body. The bending or bowing outwardly of the flat body 11 causes the lips to press against the channel members. See column 6, lines 50-57. This is undesirable in the configuration of the present invention where you do not want bowing to occur, but you want the label holder to remain substantially planar. Thus, in Harnois, there is no flexure of the first and second members that project from the rear of the flat body. Although, as the Examiner points out in paragraph 4 of the Office Action, Harnois suggests that there is a layer 59 of higher elastic properties, such as rubber, that is coextruded upon the members to increase the quality of the mounting, this appears to be just a compressive force on the top of the lip 55. This does not at all suggest that there is any flexure of the first or second members.

Thus, even if it were obvious to combine the three references in a manner as suggested by the Examiner, one would not obtain a structure where the mounting portion adjusts in longitudinal directions substantially aligned with, or parallel to, the rear face of the labeling panel to accommodate different size C-channels. Neither of the supplementary references show adjustability of the members or projections in directions along the length of the backing member. Indeed, in Ireland, flexure occurs inwardly to enable insertion. In Harnois, the mounting members do not flex

at all but, rather, the label holder itself flexes. Thus, even if the combination could be made, one would not obtain the present invention.

Claims 1 and 6 have been amended to further provide the above-mentioned distinctions. For example, claims 1 and 6, even prior to amendment, had defined the terminal tip having spring-like adjustability to the "effective length of said mounting leg to accommodate C-channels with different spacings between their upper and lower pockets." The claims further recite, as now amended, that the effective length between the upper edge portion of the labeling panel and the terminal tip will adjust in a direction substantially aligned with the rear face of the labeling panel to accommodate different distances between the upper and lower pockets of the C-channel. This adjustability, as is claimed in claims 1 and 6, is enabled by movement of the terminal tip and arcing of the arcuate portion in upward and downward directions substantially aligned with the plane of the rear face. Nowhere are these limitations shown in the prior art.

Finally, it is respectfully submitted that the above combination of references could not legitimately be made because it is not suggested by the prior art. It is not believed obvious, with the Ireland and Harnois patents before one of ordinary skill in the art, to have revised or modified the Gebka in the manner as now suggested. Such a combination can only be made through hindsight.

Serial No.: 10/725,533

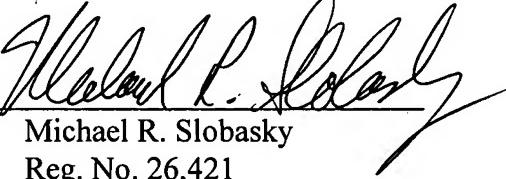
Atty. Docket No.: P68358US1

Thus, it is now believed that this application is in condition for allowance. Should the Examiner have any questions after reviewing this Amendment, the Examiner is cordially invited to telephone the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:

  
Michael R. Slobasky

Reg. No. 26,421

400 Seventh Street, NW  
Washington, D.C. 20004-2201  
(202) 638-6666  
Date: April 11, 2007  
MRS/clc